

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

SENTENCING MINUTE SHEET

CR No.	20-1867-MV			USA vs.	Gutierrez		
Date:	April 7, 2021			Name of Deft:	Joshua Gutierrez		
Before the Honorable				Martha Vázquez			
Time In/Out:	9:35 a.m. / 11:55 a.m.			Total Time in Court (for JS10):	2 hours, 20 minutes		
Clerk:	Linda Romero			Court Reporter:	Carmela McAlister		
AUSA:	Allison Jaros			Defendant's Counsel:	Sylvia Baiz		
Sentencing in:	Santa Fe, New Mexico			Interpreter:			
Probation Officer:	Shane Lovato			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input checked="" type="checkbox"/>	Information <input type="checkbox"/> Indictment <input type="checkbox"/>
If Plea:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:		
If Plea Agreement:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	No Plea Agreement	Comments:	
Date of Plea/Verdict:	10/15/2020			PSR:	<input type="checkbox"/>	Not Disputed	<input checked="" type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed <input type="checkbox"/> Needed <input type="checkbox"/>
Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP): 24 months as to Count 1, 120 months as to Count 2, to be run consecutively, for a total term of imprisonment of 144 months.			
Supervised Release:	3 years as to each Count, to run concurrently			Probation:		<input checked="" type="checkbox"/>	500-Hour Drug Program
	Court recommends ICE begin removal proceedings immediately or during service of sentence					<input type="checkbox"/>	ICE not applicable
SPECIAL CONDITIONS OF SUPERVISION							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days		
<input checked="" type="checkbox"/>	Substance abuse testing (up to 60 tests per year)			<input type="checkbox"/>	Community service for _____ months _____ days		
<input checked="" type="checkbox"/>	Substance abuse treatment program (waive confidentiality)			<input checked="" type="checkbox"/>	Reside residential reentry center for up to 6 months		
<input checked="" type="checkbox"/>	Mental health treatment program (waive confidentiality)			<input type="checkbox"/>	Register as sex offender		
<input checked="" type="checkbox"/>	No alcohol/intoxicants (up to 4 tests per day)			<input type="checkbox"/>	Participate in sex offender treatment program		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	Possess no sexual material		
<input checked="" type="checkbox"/>	No contact with victim(s) and/or co-Def(s)			<input type="checkbox"/>	No computer with access to online services		
<input checked="" type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	No volunteering where children supervised		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	Restricted from occupation with access to children		
<input checked="" type="checkbox"/>	No psychoactive substances			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input checked="" type="checkbox"/>	OTHER: Educational or vocational program. Community based program in anger management. Take all prescribed mental health medications.						
Fine:	\$	0			Restitution:	\$	Open for 90 days
SPA:	\$	200 (\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due upon release from custody <input type="checkbox"/> Waived <input type="checkbox"/>
OTHER:	Forfeiture						
<input type="checkbox"/>	Advised of Right to Appeal			<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement		
<input checked="" type="checkbox"/>	Held in Custody			<input type="checkbox"/>	Voluntary Surrender		
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			FCI Phoenix			
	Dismissed Counts:						

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OTHER COMMENTS

Court addresses defendant. Defense counsel addresses Court. Defendant addresses Court and introduces family members present in courtroom. Defendant apologizes to victims' families. Government counsel addresses Court. Victim's mother addresses Court. Defendant's girlfriend addresses Court. Defendant's mother addresses Court. Defendant's sister addresses Court. Court addresses defendant and imposes sentence. Defense counsel advises that there was another objection that was not addressed. Court orders that paragraph 17 of the PSR be removed and the PSR revised before it is provided to the BOP. Government counsel addresses Court re slight inaccuracy in the Court's statement of the facts.